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# PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS:

## INSTITUTIONAL PROPOSALS

Report by the Secretary General of the Conference

## INTRODUCTION

1. The present background report has been prepared in response to decision 3/29 of the Preparatory Committee, requesting the Secretary General of the United Nations Conference on Environment and Development to prepare an updated compilation of institutional proposals made during the third session of the Preparatory Committee, including those made in Working Groups I and II and the plenary, as well as relevant observations that may be contained in national reports and originating from regional preparatory conferences, with a focus on options for action.

2. In accordance with the mandate of Working Group III as formulated in decision 2/3 (subparas. iv-vi), the compilation - after summarizing the general comments made - deals with three types of institutional proposals: the role of institutions for environment and development within the

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United Nations system; institutional follow-up arrangements after the 1992 Conference, especially with regard to Agenda 21; and the relationship of the United Nations system with other institutions in the field of environment and development. The compilation is based on documents submitted by delegations (A/CONF.151/PC/81; A/CONF.151/PC/L.29; A/CONF.151/PC/WG.III/L.1,4 and 19), national reports, reports of regional preparatory conferences, written and oral statements made in the plenary and working groups during the third session of the Preparatory Committee. Except for editorial changes and necessary rearrangement of paragraphs, care has been taken to reflect the original text of statements as received.

## I. GENERAL COMMENTS

3. The Working Group took note of the progress reports by the Secretary-General of the Conference (A/CONF.151/PC/36 and A/CONF.151/PC/80), which summarized recent proposals and developments with regard to institutions.

4. A large number of delegations expressed themselves generally against the creation and proliferation of new global institutions (Cuba, Indonesia, Kuwait, Peru, Philippines, Singapore, Uganda, Zimbabwe). Bangladesh thus cautioned against the risks of extra overhead administrative costs, and against duplication of the ongoing environmental and developmental activities conducted by existing United Nations agencies. Brazil advised to avoid, to the extent possible, the creation of new organizations which might empty or take on the functions of multilateral fora already existing. Tanzania saw no need, in particular, for the creation of a separate new organization to deal with the integration of environment and development. The United Kingdom considered that there was no case for the creation of a new international political body for the environment. The United States believed that the initial emphasis in regard to United Nations institutional involvement in environmental affairs should lie in encouraging and promoting the improvement and coordination of existing efforts. New institutions should not be considered until their necessity and feasibility had been clearly demonstrated; the first task was to identify existing but underutilized institutional mechanisms, and to consider ways to enhance their purpose and function.

5. Malaysia, while agreeing with the view that the creation of new institutions should be avoided, recognized that currently there were no existing institutions integrating environment and development. Algeria felt that such institutions were needed. Norway did not wish to exclude altogether the possibility of creating new institutions. Sweden suggested that form should follow function, and that any new institutional arrangements should correspond to a clearly felt need, a comment echoed by Switzerland : the United Nations system should evolve, mandates should be adjusted, means of action reinforced and existing bodies re-structured as required. According to the Netherlands (speaking on behalf of the European Community and its Member States), additional arrangements - if desirable - should build on existing mechanisms, fill clearly identified gaps in the present institutional framework and preferably be combined with streamlining elsewhere; any strengthening, adaptation or reform of the institutional framework should facilitate international cooperation.

6. In the view of Canada, it was obvious that a range of institutional arrangements were needed to meet different objectives and to carry out different functions. While there was a general preference among countries not to create new institutions, there was a need for the Preparatory Committee to define new roles for existing institutions where appropriate, and to propose innovative institutional arrangements where existing structures were inadequate to meet the challenges of UNCED. A combination of revitalization, renewal and reform of institutional arrangements was clearly called for. What was needed was an evolution, not a revolution in institutions. These changes would depend on strong leadership at the international and national levels.

The following observations on the characteristics of innovative institutional arrangements were then drawn from recent experience and deliberations:

(a) political commitments should be sustained;

(b) arrangements involving hybrid groupings of international organizations, Governments, eminent persons and private interests, or involving broad-based groups of experts, were often more creative and progressive than formal structures in finding solutions to complex problems;

(c) consensus was stronger than a majority and should be the basis for decision-making wherever possible;

(d) decisions should be driven by objective scientific facts, as much as possible;

(e) organizational forms should be flexible; interim arrangements might benecessary and appropriate.

7. The International Union for Conservation of Nature and Natural Resources (IUCN) guarded against the danger of creating new institutions when goals could be achieved by making the existing ones work. However, a far better institutional basis was needed for environmental conservation in the United Nations system. The catalytic role of UNEP had insufficient impact. This was especially true considering the lack of a proper, comprehensive hierarchy in the structure of the United Nations system and the fact that many of its components were autonomous in decision-making, with their own governing bodies and separate sectoral constituencies, to the extent that the same Government may present different positions in different United Nations fora. To improve this situation was imperative per se but also because, otherwise, institutions would not function effectively.

8. Many delegations stressed the need for strengthening existing international institutions and for improving coordination among them (Algeria; Central African Republic; Gambia; Japan; the Netherlands on behalf of the European Community and its Member States; the United States). Mali considered that the number and size of existing institutions should be reduced. In the view of Saint Lucia, rather than a reform of the institutions themselves, a reform of the programmes now executed by existing bodies was needed, with the emphasis on creative and effective vertical and horizontal institutional linkages.

9. Several delegations drew attention to the need to take account of the ongoing process of restructuring and revitalization of the United Nations, particularly in the economic and social areas and the reform of the United Nations secretariat (Malaysia; the Netherlands on behalf of the European Community and its Member States; and Singapore), to which the institutional recommendations of UNCED should make an important contribution (Finland; and Sweden). Brazil suggested that United Nations secretariat reform should await the outcome of UNCED. According to Canada, certain institutional proposals were not likely to be workable in the context of UNCED alone and should await other processes related to United Nations reforms;

however, UNCED could give impetus to such broader United Nations reforms and needed to give consideration to other coordination mechanisms. Colombia believed that provisional arrangements might be envisaged, to take advantage of the momentum of UNCED without prejudging the final decisions of the ongoing process of United Nations reform. Egypt considered that any future transitional arrangements recommended by UNCED should be reviewed within the overall review of United Nations restructuring in 1993. In the view of the United States, there was no need to wait for conclusion of the larger United Nations reform process before initiating organizational enhancements to the United Nations' environment and development interests and activities; instead, UNCED should try to develop self-contained proposals capable of effective application to, or incorporation into, a number of possible larger reform schemes.

## II. THE ROLE OF INSTITUTIONS FOR ENVIRONMENT AND DEVELOPMENT WITHIN THE UNITED NATIONS SYSTEM

10. The specific institutional proposals made during the third session may broadly be divided according to the type of functions and responsibilities of the international mechanisms envisaged: (a) technical-operational; (b) policy-making; (c) coordinating; (d) financial; and (e) functions relating to the administration and implementation of international law.

### A. Technical-operational functions

11. Singapore expressed the view that existing institutions in the field of environment should be creatively modified, strengthened and rearranged to create a network of institutions at the global and regional level to promote sustainable development.

12. In the view of the United States, the enhancement of all existing agencies, organizations and programmes of the United Nations system was a constant process which required better attention in order to be successful. In the area of environment and development, UNDP had an institutional improvement process already underway, and UNEP was embarking upon one. Efforts were needed to ensure that UNCED outcomes would be taken into account in these UNEP and UNDP processes, through attention on the part of the Governments which are members of the respective governing bodies, and through effective operation of the interagency coordinating mechanism. As the coordinating process developed, it would also be necessary to ensure that other participating agencies made appropriate modifications to their programmes and activities.

13. The Netherlands (speaking on behalf of the European Community and its Member States) pointed out that many other organizations, such as the World Bank, FAO, WHO, WMO, UNIDO, WIPO, UNCTAD and the regional commissions, also had an important input to make, both in the preparations of the Conference but particularly also in the implementation of many of the action proposals of the Conference. Their activities in the field of environment and development should be fully integrated and coordinated in order to avoid overlap and duplication and to make more effective use of capacities already in place. Consideration should be given to increasing and strengthening their potential and to providing incentives to the agencies to address and fully integrate environment and development, such as e.g. setting aside specific parts of their budgets for these purposes, to be matched by voluntary contributions by Governments.

14. According to Finland, all specialized agencies had a specific role in promoting sustainable development and in protecting the environment. Agenda 21 should clearly define the responsibilities and competences of various United Nations agencies in the field of environment and development and - more importantly - integrate environmental considerations into their work. This would create a solid base for any other possible arrangements concerning coordination structures.

(i) Technical functions of the United Nations Environment Programme (UNEP).

15. A large number of delegations expressed their general support for strengthening the mandate, operations and funding of UNEP (including Australia, Austria, Chile, Colombia, Cuba, Finland, Guyana, India, Malawi, Morocco, Peru, Uganda, Zambia and Zimbabwe).

16. Barbados called on UNEP to focus on the provision of the means to facilitate the integration of environment and development.

17. Brazil anticipated that UNCED would provide new functions for UNEP but acknowledged that the overall intersectoral results of UNCED extended beyond the mandate of UNEP or any other United Nations agency; it would therefore be a basic mistake to limit the results of UNCED to a strengthening of UNEP.

18. In the view of Canada, UNEP's operations should be strengthened particularly in such areas as environmental monitoring and assessment, exchange of information, and the elaboration of legal instruments; as well, UNEP was the key agency providing technical advice to senior United Nations officials charged with ensuring that environmental priorities were integrated into developmental policies and programmes.

19. The Central African Republic, while in favour of strengthening UNEP operations in Nairobi, called for improved cooperation with UNDP.

20. The Czech and Slovak Federal Republic supported the idea of strengthening UNEP in the field of monitoring, evaluation and anticipation of phenomena in the environment. UNEP should expand its activities to include environmental prognoses and anticipation and to seek information about new scientific knowledge concerning the environment, as required for the early recognition of environmental problems and threats, and for the adoption of corresponding measures while observing the precautionary principle. UNEP should concentrate on the coordination, interconnection and verification of the results of measurement by the United Nations monitoring networks of organizations and programmes aimed at introducing integrated monitoring of the environment; an extension of environmental monitoring in particular regions and countries, not only with regard to the current state of affairs but also for a longer period of time necessary for evaluating trends; integrated assessment, in terms of quantity and quality, and creating a mechanism for early warning in case of detection of exceedance of the criteria set for critical loads on the environment. The necessary organizational and staff reform of UNEP for these tasks could be carried out by establishing region-oriented divisions in the UNEP secretariat which would be capable of identifying and suggesting measures aimed at solving environmental problems and of participating in the implementation of concrete environmental projects funded from United Nations financial resources. The UNEP secretariat should also maintain liaison with other United Nations information networks and with regional and subregional centers dealing with environmental problems.

21. Gambia underscored the responsibility of UNEP for coordination of environmental issues related to all other activities carried out by United Nations bodies. In order to make UNEP more effective, there should be

increases in budget, staff and other necessary logistic support; strengthened coordination of regional activities; and a strengthening of the central catalyzing, coordinating and stimulating role of UNEP in the field of environment within the United Nations system.

22. Guinea considered a restructuring of UNEP indispensable for the purpose of coordinating all activities in the field of environment and development.

23. Kenya asked that the operations of UNEP, as the central agency in the United Nations system on matters of environment and development, be strengthened and enhanced by provision of additional funds (enlarging its budget), recruitment of experts and improvement of its infrastructural arrangements including the telecommunication system. By its character, UNEP was interdisciplinary and played a coordinating and catalytic role on matters of environment within the United Nations system. Hence interagency linkage should be strengthened through the creation of coordination offices at UNEP headquarters for all United Nations agencies, so that the agencies represented at UNEP headquarters would draw on and complement UNEP's expertise rather than duplicating or replacing it at sectoral levels. The membership of the Governing Council should be increased to make it more representative at decision-making level and in accordance with UNEP's new status. UNEP's financial basis should be strengthened to enable it to carry out its expanding mandate and responsibilities; as well as its role in coordinating regional environment centres to enable them to respond to issues of development both in the developed and developing countries, since matters of environment and development were global, multidisciplinary and cross-sectoral. UNEP's status should be elevated to the level of an agency, with the corresponding administrative independence. The United Nations Centre for Natural Resources, presently in New York, should be placed within UNEP. The United Nations Sudano-Sahelian Office, whose mandate was the coordination and funding of anti-desertification activities, should be relocated in Africa and should work more closely with UNEP and UNDP under the new arrangements.

24. Malaysia, while agreeing with an increased and enhanced role for UNEP in light of the outcome of UNCED, underlined the dual dimension of UNCED in environment and development, and the need for UNEP to serve this need.

25. Mauritius, in supporting the leadership role of UNEP, indicated the following additional areas of interest for that institution: (a) transfer of technology; (b) economic instruments and transfer of funds; (c) institutional and legal dimensions of sustainable development; (d) global management of environmental resources; (e) settlement of environmental disputes; (f) administration of an environment trust, and provision of trustees with compensation by mandatory pro-rata assessment of all Member States. Many of these functions could be carried out either by a new mandate of UNEP or by a council, board or commission under the responsibility of UNEP and other United Nations bodies.

26. The Netherlands (speaking on behalf of the European Community and its Member States) called for strengthening further the work of UNEP, particularly in areas in which it had been successful so far. Priority areas on which UNEP could concentrate included the following:

(a) further development of international environmental law;

(b) facilitation of information exchange on environmentally sound technologies, including the legal aspects of it, and provision of training;

(c) provision of information on the state of the environment; promotion, in cooperation with relevant international bodies, of scientific cooperation; strengthening and, where appropriate, establishment of scientific networks in the field of environment and sustainable development; strengthening and operationalization of its early-warning function;

(d) promotion of regional cooperation and further development of regional initiatives and programmes for environmental protection;

(e) provision of policy advice to the various parts of the United Nations system in the field of the environment;

(f) assistance and particularly legal and institutional advice to developing countries in establishing and enhancing their national legal and institutional frameworks;

(g) maintenance and further strengthening, in cooperation with UNDP, of close interaction with international networks of non-governmental organizations in the field of environment and development;

(h) maintaining a mechanism, including a register of experts, that could be used in cases of environmental disasters;

(i) secretariat support services to relevant international legal instruments; and the monitoring of their implementation.

In order for UNEP to perform all these functions in a satisfactory way, it would need greater expertise with respect to the developmental side of environmental questions, so that from the very beginning environmental and developmental aspects of an issue would be fully considered. Options to establish a more permanent flow of voluntary contributions to match and thus increase overall budget-financed environmental activities should be explored, e.g. in the UNEP Fund.

27. New Zealand believed that UNEP's track record justified the allocation of new tasks, including the strengthening of its capacities in the area of environmental monitoring, assisting in the elaboration of new legal instruments, and facilitating technical cooperation, particularly for developing countries. This enhancement of UNEP's capacities should of course be in the context of an appropriate institutional framework for the implementation of all aspects of the Agenda 21. Enhancing UNEP's capacity concerning the development side of its environmental work should not in any way mean a duplication of the role of UNDP, but rather help ensure that UNEP would give appropriate emphasis to development perspectives, an undertaking which UNEP had been pursuing with some energy. Regrettably, the extra demands

made on UNEP were unlikely to be balanced by any significant expansion of the resources available to it, and the Programme would need to monitor existing activities closely to ensure that its efforts were properly focused.

28. In the view of Norway, the role of UNEP should be strengthened in areas such as environmental monitoring and assessment, exchange of information, the elaboration of legal instruments, and others.

29. Pakistan suggested that institutions like UNEP could play a much greater and more important role than hitherto in promoting, coordinating and providing services to the developing countries.

30. Portugal unde-lined the need to strengthen the role of UNEP in the fields of technology transfer and technical assistance.

31. Sweden wished to see a significant strengthening of UNEP as one key result of UNCED, although this would not mean that UNEP would necessarily perform exactly the same functions as today. While the existing mandate, including its catalytic role in the United Nations system should be strengthened and its role in treaty-related activities further expanded, UNEP could hardly take on operational responsibilities in the development work of the United Nations. The capabilities of UNEP to assist developing countries in general capacity-building in the environmental field had been very limited. Such activities should be considerably expanded, but carried out primarily by UNDP in close cooperation with UNEP.

32. According to Switzerland, UNEP should concentrate on its catalytic and coordinating role and should deal with operational activities only if that turned out to be indispensable. Consequently, the following areas should be given priority: environmental monitoring and evaluation; collection, analysis and dissemination of data; environmental research and training; awareness creation among Governments and the public; development of public international law in the field of the environment; environmental crisis management and verification of the application of international environmental conventions. UNEP should develop methods and techniques for better environmental management at the national, regional and global levels, and should draw up policy recommendations for use in decision-making on environmental programmes and projects. In that way, UNEP should ensure the application of a consistent, coordinated environmental policy both within and outside the United Nations system. That effort could be undertaken through the systemwide medium-term environment programme, or else through more active participation by UNEP in such bodies as the Administrative Committee on Co-ordination, the Designated Officials for Environmental Matters and the Committee of International Development Institutions on the Environment. It did not seem a good idea to convert UNEP into a specialized agency, since its status as a subsidiary organ of the General Assembly made it better placed to carry out the transsectoral mandate which fell to it.

33. Tanzania considered that UNEP's status and functional autonomy should be enhanced at its present headquarters. It should be given the same degree of administrative independence as a specialized agency, but it should not be made a specialized agency, as that would have the effect of "sectoralizing" the environment within the United Nations system. Additional and adequate

finances for the Environment Fund were important as that would enhance the capacity of UNEP to be more effective. Its mandate needed to be clarified and expanded; linkages between UNEP, UNDP and trade and economic organizations also needed to be clarified.

34. The United Kingdom was of the view that efforts to improve the United Nations' environmental contribution should be concentrated on UNEP:

(a) UNEP's status and autonomy should be enhanced. It should be further built up as the recognized centre within the United Nations system of expertise and discussion for environmental matters, with maximum autonomy at a technical level from political debate in New York.

(b) The role of the UNEP Governing Council should be strengthened as the central organ for international environmental debate.

(c) Universal membership might give Governing Council decisions greater international status, but could also lead to increased politicization of debate in UNEP, and a danger that the United Nations General Assembly and the Governing Council would duplicate each other. In addition, the Governing Council was already in effect open to all; therefore, the case for this was not yet established.

(d) The Committee of Permanent Representatives should have an enhanced role, in particular on financial and management issues.

(e) There would be attractions in setting up a limited membership Executive Board working under the Governing Council and meeting between regular Governing Council sessions. Such an Executive Board could supervise the proposed enhanced role for the Committee of Permanent Representatives. The WHO model of a limited Executive Body meeting regularly, and less frequent meetings of a universal conference of parties, was useful here.

(f) UNEP's technical capacities should be improved. This would involve strengthening what it did well, for example its monitoring activities and devoting more resources to its Industry and Environment Office. It would also mean shedding activities which were not effective, or which might best be carried out elsewhere or not at all. Any new tasks for UNEP should build on its strengths.

(g) UNEP should be encouraged to make fuller use of its regional and other offices. There was good justification for this, since many environmental problems were regional in scope. UNEP might also hold more of its meetings, including the occasional Governing Council, in its regional centres.

(h) An external management consultancy study should be aimed at strengthening UNEP's capacity to handle present and future functions, including the improvement of communications with UNEP headquarters at Nairobi.

(i) UNEP's financial position should be reinforced. Although voluntary contributions should remain the principal source of funding, every effort should be made to ensure that the amounts donated reflected more fairly countries' ability to pay. The circle of main contributors should be widened and all countries encouraged to contribute something. Benchmark figures should allow Governments to judge more easily how much they should volunteer. User charges and contributions from the private sector should also be explored.

35. The United States submitted detailed proposals for improving United Nations institutional involvement in environmental affairs, by enhancing central coordination and the role of UNEP. The full text of these recommendations has been circulated as document A/CONF.151/PC/WG.III/L.4.

36. The non-governmental Consortium for Action to Protect the Earth (CAPE 92) believed that UNEP should have vastly increased resources, and that the Preparatory Committee should consider the benefits of giving UNEP or a new body the powers of an organization to oversee environment and development issues within the United Nations system. In the view of the International Union for Conservation of Nature and Natural Resources (IUCN), additional resources should be made available for UNEP to extend monitoring and other activities having a demonstrable catalytic effect, but UNEP should not undertake other types of activities. The Netherlands National Committee for IUCN called for an international institution with the necessary powers and competences to cope with the current deterioration of the global environment; in order to achieve this, UNEP should be strengthened, particularly its executive and coordinating functions. If that were not feasible, however, a World Environment Authority should be established to oversee and integrate international environmental efforts and to deal with urgent problems; UNEP could play a strong role within the Authority.

(ii) Technical functions of development institutions in the United Nations system

37. Australia recommended that the United Nations Development Programme (UNDP), as the central United Nations funding agency, be utilized to the full for the delivery of assistance and integration of development aspects in all environment-related activities undertaken in developing countries with United Nations funding.

38. Austria wanted UNDP to continue its expertise by making use of the comparative advantage it possessed on the operational side.

39. Barbados called for more effective coordination between UNDP and UNEP in programme planning to ensure that the imperatives of sustainable development were achieved.

40. Canada pointed out that UNDP had undertaken to implement environmental protection and enhancement in its development assistance programmes, drawing on and complementing UNEP's expertise, rather than duplicating or replacing it. At the same time, there was a need to coordinate its programmes with those of the other United Nations agencies as well as the World Bank, regional

development banks, bilateral development cooperation agencies and private development agencies. However, UNDP's mandate was essentially focused on development assistance, whereas any integration mechanism would have to take account of policies for environmentally sustainable development in all countries, including industrialized nations.

41. France considered that in response to the manifest need of the developing countries for technical assistance, UNEP should not seek to replace such institutions in the sectors in which they were mandated to assist States and other participants in development, but should confine itself to the provision of advice and training. It should do so either using its own staff, or using other specialists belonging to the scientific and technical networks that it was UNEP's responsibility to organize. Conversely, it would be preferable if the specialized agencies did not systematically set up "environment" departments composed of "environment specialists", thereby relieving other technical staff of that aspect of their responsibilities. On the other hand, small units would prove useful if they functioned as focal points of the UNEP secretariat within each agency. In particular, the vital issue of closer relations between UNDP and UNEP would benefit from being approached in that spirit.

42. In the view of Malawi, UNDP as a technical assistance wing of the United Nations should be strengthened as well in order to enable it to assist developing countries effectively in strengthening their national and regional capacity for sustainable development. UNCED should recommend a separate programme on environment and development to be established by UNDP.

43. According to the Netherlands (speaking on behalf of the European Community and its Member States), discussions in the framework of this Preparatory Committee as well as in other fora had made it abundantly clear that one of the major bottlenecks in implementing sustainable development was the lack of capacity and expertise in the developing countries. UNDP should focus its work on assisting developing countries, with the help of UNEP and other organizations, including non-governmental organizations, in establishing the necessary national infrastructure for sustainable development. At the same time it should ensure, like all international organizations, that all its projects and programmes were environmentally sound. In this context it was particularly important to emphasize the crucial role that the field offices of UNDP had to play in this area.

44. New Zealand recalled that UNDP had managed in the past few years to incorporate environmental concerns in all aspects of its activities, in pursuit of its mandate to promote sustainable development. This effort had produced notable results in the South Pacific, where UNDP's assistance with environmentally sound projects had been welcome.

45. Sweden suggested that the ongoing re-orientation of programmes of existing development cooperation agencies such as UNDP, the World Bank and regional development banks to promote environmentally sound development should be accelerated.

46. Tanzania was of the view that UNDP needed to be strengthened. Its mandate (as well as that of UNEP) needed to be clarified and expanded; linkages between UNEP, UNDP and trade and economic organizations also needed to be clarified.

47. In the view of the United Kingdom, the major United Nations development bodies, notably UNDP, should build up their own in-house environmental expertise to be incorporated in their own project areas. Expert-level coordination between these various centres of expertise could be ensured through UNEP, which could remain the body responsible for purely environmental action in the United Nations system and would not take on a primary developmental role.

48. The United States wanted all of the multilateral development banks to employ the full range of their programmes, including technical assistance, sectoral lending and debt-for-nature swaps, to promote environmentally sensitive development.

49. Zimbabwe recommended to revitalize UNDP and to transform it from a development aid organization into an institution to address global economic imbalances, the eradication of underdevelopment and poverty, and the question of equity. The strengthening of UNEP and UNDP would not be complete without subsequent strengthening of international financial institutions to align their policies with the new economic order being proposed by the UNCED Preparatory Committee.

(iii) Technical functions of regional institutions in the United Nations system

50. Australia drew attention to the critical importance of coordination within regions and among regions in the United Nations system, which should be ensured within any new institutional arrangement, taking into account the potential role of regional commissions and other regional intergovernmental institutions. For example, regional bodies such as ESCAP, ESCWA, ECLAC and SPREP could be used to facilitate regional coordination and cooperation.

51. Bangladesh suggested that the regional commissions of ECOSOC were the only United Nations institutions which had experience of environmental and developmental activities envisaged within the framework of Agenda 21. Implementation of Agenda 21 would have to be on regional basis, because the regional aspects of Agenda 21 would be central in the planning and coordination of environmentally sustainable and sound development programmes. Hence, the regional commissions seemed to be the most appropriate institutions within the existing United Nations system to undertake this responsibility.

52. Canada noted that a regional approach to institutional cooperation had been suggested by the Secretary-General of UNCED, to provide for fund-raising and priority-setting in meeting regional and national environment and development needs. This collaborative group or network might involve the regional development banks, United Nations regional economic commissions, regional UNDP and UNEP representatives, regional economic cooperation organizations, and others.

53. The Central African Republic, St. Lucia, Singapore, Tanzania and Zimbabwe also called for strengthening of regional institutions and mechanisms. The Czech and Slovak Federal Republic believed that the country and regional activities of UNEP could be combined with the regional and field offices of UNDP, UNIDO, FAO, WMO, WHO and United Nations regional economic commissions.

54. According to Fiji, the likelihood of successful ecologically sustainable development would be significantly enhanced by improved coordination among United Nations agencies and non-governmental organizations dealing with coastal and marine environment. This should include improved working relationships among different United Nations agencies, the Law of the Sea Secretariat and regional Pacific organizations. A regional approach was essential for environmental concerns; in particular, the South Pacific Regional Environment Programme (SPREP) should be recognized by the international community as the regional organization responsible for environmental coordination, protection and management for the South Pacific. New Zealand also mentioned SPREP as an example of regional institutions whose role within the United Nations system should be emphasized.

55. Kenya proposed to strengthen UNEP's role in coordinating regional environmental centres to enable them to respond to issues of development both in the developed and developing countries, since matters of environment and development were global, did not pertain to any one given region, were multi-disciplinary and cross-sectoral.

56. Malawi called for more resources to be put in regional and subregional centres to augment their coordinating role at that level.

57. Sweden believed that UNEP should continue to support regional and subregional environmental cooperation among developing countries. Whether any particular new institutional arrangements would be necessary at the regional level in the context of Agenda 21 remained to be seen. Pragmatic and flexible solutions should generally be favoured, rather than rigid mechanisms.

58. In the view of the United States, environmental and developmental activities with a regional and national focus were increasingly at the centre of programmatic concerns in UNEP and UNDP. Regional seas and regional lake/river basin programmes were underway in UNEP, for example, and UNDP had begun to implement plans for a Sustainable Development Network. In addition, the already established UNDP Roundtable/World Bank Consultative Group provided a process which included donors and United Nations agencies in efforts to coordinate development assistance to particular regional and national recipients. These ongoing efforts could be further developed and exploited to achieve greater concentration of environmental and developmental undertakings at the regional and national levels, especially in regard to the improvement of institutional capacities at these levels. UNDP field offices, UNEP regional offices, other regional and field offices of the United Nations system, and the United Nations regional economic commissions should also combine their skills and resources in support of sustainable development activities at regional and national levels. Either separately or in connection with this approach, United Nations staff - especially at the field level - should receive appropriate in-service training to ensure their maximum

effectiveness in contributing to the effort. Some concrete, albeit informal, proposals along these lines had already been developed which merited appropriate formal consideration in time for decision by Governments prior to UNCED, and/or approval by UNCED itself.

59. The secretariat of the Economic Commission for Latin America and the Caribbean (ECLAC), on behalf of the United Nations regional commissions, pointed out that as decentralized bodies within the United Nations system, regional commissions were the principal executing agencies for implementing goals and tasks related to sustainable development at the regional level. Their experience and expertise in diverse areas related to economic and social development made them a prime forum for the coordination of actions of sectoral agencies within the system. It followed from the above, and from the need to promote an efficient use of existing resources, that they were already playing an important role in the promotion of sustainable development at the regional and subregional levels. In this regard the internal structure of regional commissions should be strengthened, while their mandates and functions needed to be redefined through co operative arrangements with Governments, bodies and agencies of the United Nations system, regional development banks, and non-governmental organizations among others. Administrative efficiency, rationalization of financial and technical resources, and operative coordination were some of the key goals that such efforts could address. In fact, in the case of the Asia-Pacific Region an Inter-agency Committee on Environment and Development, under the chairmanship of the Executive Secretary of ESCAP, had already been established. The feasibility of the establishment of regional funding mechanisms to support sustainable development efforts of the member countries was also under consideration. In the African region, there was also an Inter-agency Committee, composed of the African Development Bank, the Economic Commission for Africa and the Organization of African Unity, in which environment and sustainable development were strong components.

60. The regional preparatory conferences for UNCED held at Bergen in May 1990, at Bangkok in October 1990, at Tlatelolco in March 1991, and at Cairo in July and September 1991, all stressed the role of regional institutions in the implementation of programmes for sustainable development.

61. At the third session of the Preparatory Committee, Working Group I called for strengthening the work of regional bodies in the field of sustainable energy development, particularly regional energy efficiency activities. Working Group II, in the course of its discussion on oceans, made proposals for a regional coordinating mechanism for coastal development and exclusive economic zones, bringing together relevant international agencies, regional programmes and donors including the regional development banks.

(iv) New technical functions to be taken up in the United Nations system

ENVIRONMENTAL ASSESSMENT CAPACITY

62. In the view of France, the task of comparing the various responses of relevance in a "field of action" and weighing them up in terms of technical effectiveness belonged to scientific and technical experts. Such expertise already existed in various forums: United Nations bodies and organizations,

but also international conventions (for example, the group of scientific experts on ozone research), international programmes such as the UNESCO Man and the Biosphere programme, and major non-governmental organizations. Without establishing new bodies, better use could easily be made of such sources of expertise:

(a) The principal groups of experts which did not already do so could transmit their reports to the UNEP Governing Council in accordance with procedures to be defined;

(b) Eventually, the information gathered by UNEP's various instruments or observation networks on the state of the world environment could be made available to them;

(c) The Earthwatch plan, which had demonstrated its effectiveness, would be strengthened in parallel, and a report on its activities would be sent to the UNEP Governing Council.

63. Sweden suggested, along this line of thinking, that UNEP's assessment functions should be strengthened through further development of the Earthwatch Programme and expanded cooperation with research organizations and relevant NGOs. Appropriate links should be established with policy-making and standard-setting, other areas of priority for UNEP's future activities. In this connection, consideration should be given to develop UNEP's capabilities in environmental risk assessment.

64. Malawi believed that UNDP should build into its activities programmes aimed at environmental impact assessment; while Zimbabwe felt that UNEP should be given the task of assisting developing countries in carrying out environmental assessments of their development programmes and to provide assistance for the review or audit of assessments prepared by developers.

65. A principal goal of the United States in calling for continuous liaison between UNEP and UNDP, as well as coordinating the major environmental and developmental efforts of other United Nations bodies, was to ensure the preparation and consideration of environmental impact assessments for all United Nations-related projects and development activities. Cooperation between developing countries and donors should promote environmentally sound development. For example, the United States had been urging the World Bank to redirect its internal activities in the energy and forest sectors, sought to strengthen environmental impact assessment procedures in the World Bank and in the regional development banks, and also urged these banks to promote improved environmental impact assessment procedures in borrowing countries.

66. The non-governmental Consortium for Action to Protect the Earth (CAPE 92) noted that virtually all United Nations institutions, including the World Bank/IMF, as well as GATT, had major impacts on the environment and development throughout the world. Yet no one body within the United Nations system had responsibility to evaluate the programmes, procedures and agreements administered by United Nations institutions, and to encourage the most environmentally sound and sustainable practices. External reviews or audits should be performed by independent experts and made available to the public. This audit process should ensure that all development assistance

programmes were consistent with the goals of international environmental agreements and Agenda 21, particularly in key sectors such as energy, forests and agriculture. Furthermore, UNCED should require that minimum environmental impact assessment procedures be adopted by all United Nations institutions.

EARLY WARNING AND EMERGENCY RESPONSE CAPACITY

67. Finland (supported on this point by the Czech and Slovak Federal Republic and by the Netherlands) underlined the importance of improving the early warning capacity of the United Nations system on environmental risks. Creating and improving this capacity for the benefit of member countries would be a major task in the 1990s. This should be seen in close linkage to the question how to respond to the increasing number of environmental emergencies. Malaysia agreed that any institutional mechanism should tap national and regional capacities and measures in the implementation of early warning systems, both to combat environmental hazards and to pre-empt developmental crisis situations.

68. Sweden, while in favour of strengthening the UNEP Earthwatch Programme and the development of UNEP's capabilities in environmental risk assessment, underlined the importance of an early warning capacity in the central United Nations Secretariat. This should be accomplished by creating possibilities for integrating within the United Nations Secretariat social, economic, environmental and political data and information. Such a function should preferably be close to the Secretary-General.

69. Australia suggested that a mechanism for dealing with ecological emergencies be established, utilizing existing structures within the United Nations system. Switzerland pointed out that UNEP was in the process of closing this gap. Zimbabwe welcomed the establishment of a pilot centre for emergency environmental assistance under UNEP. Malaysia also agreed to the need for a centralized response capacity similar to the idea raised within ECOSOC discussions, particularly relating to humanitarian relief and assistance.

70. The non-governmental Global Futures Network emphasized that there should be a global monitoring system, set up under international agencies, for dealing with the critical issues of environmental crisis on the planet. Extensive regional and global cooperation should be developed for dealing with Earth crises and to prepare sustainable and equitable development plans for humanity as a whole. In order to deal with major environmental emergencies and accidents, a special agency such as a United Nations Environmental Council was needed.

ENERGY MANAGEMENT CAPACITY

71. At the third session of the Preparatory Committee, Working Group I noted that there was at present no lead agency responsible for the whole range of energy issues within the United Nations system, and considered the following options:

(a) United Nations system activities presently dealing with energy could be strengthened, to ensure that efforts were concentrated on increased environmentally sound energy system utilization. Given the past record, such strengthening of activities needed to be complemented by a strong coordinating unit. There was no obvious existing institution which could host such a unit.

(b) Governments could set up a new institution within the United Nations system to deal with energy, either:

(i) A United Nations Energy Co-ordination Unit, with a small secretariat, improving coordination of energy-related activities; or

(ii) A United Nations Energy Programme, with modest funding and a catalytic, coordinating role, emphasizing work on energy efficiency, renewable energy sources and environmentally sound energy systems; or

(iii) A United Nations Energy Agency, with large funding and catalytic, coordinating as well as implementing roles, emphasizing work on energy efficiency, renewable energy sources and environmentally sound energy systems.

(c) Another additional option would be for the United Nations to mandate an independent, high-level commission, to undertake advocacy role at the international level on energy efficiency and renewable, environmentally sound energy systems. This commission could be served by a strong secretariat, which could undertake or coordinate many of the activities proposed. While having a United Nations mandate, and good working relation with the United Nations system, the Commission and its secretariat would be independent of the United Nations.

(d) United Nations Collaborating Centres could be set up by relevant United Nations bodies, with existing or new governmental or non-governmental institutions to assist countries and United Nations agencies to implement environmentally sound energy activities.

(e) The United Nations should also study the feasibility of convening, and the scope of, an international conference on transport and the environment, to be held in 1994 or 1995.

72. The regional preparatory conference for UNCED held at Bergen in May 1990 had already recommended, as part of its joint agenda for action, that in order "to ensure an appropriate level of support for renewable energy technology, institutional arrangements in the United Nations system should be revised, or a new institution established".

73. The non-governmental Greenpeace International Council called for a comprehensive and detailed review of the world energy sector, with full participation by non-governmental organizations. The purpose should be identify and structure explicit new international institutional responsibilities to:

(a) promote energy efficient and renewable energy technologies;

(b) develop policy measures such as integrated resource planning and the internationalization of external costs;

(c) facilitate greater delegation of energy decision-making;

(d) foster increasing technology development and transfer;

(e) coordinate the allocation of international resources toward these ends.

A major conference should be convened to follow swiftly on the heels of UNCED to consider the findings of the review and make binding decisions. The objective of these efforts should be the streamlining of the mandates of existing United Nations agencies and the establishment of a new United Nations body with explicit responsibilities as outlined above.

OTHER PROPOSALS

74. Iran expressed the need for an information network on environmentally sound technologies, and proposed a United Nations Centre for Science and Technology for Development, which should act as a clearinghouse.

75. Romania, endorsing a proposal by the non-governmental Greenpeace International Council, recommended the establishment of an institutional framework for ecological agriculture, which would be closely linked to UNEP.

76. At the third session of the Preparatory Committee, Canada suggested in Working Group II (item on freshwaters) that the institutional implications of the 1992 International Conference on Water and the Environment (Dublin, January 1992) be considered by Working Group III and integrated into its recommendations. By decision 3/22, the Preparatory Committee invited the Dublin Conference "to identify options for appropriate mechanisms for implementing and coordinating the programmes"; these may include institutional aspects.

B. Intergovernmental policy-making functions

77. Australia, in submitting that multilateral policy-making on ecologically sustainable development should be elevated to the central core of the United Nations decision-making processes, considered the Second Committee of the General Assembly the appropriate forum for this purpose. France also thought it desirable to continue future environmental work of the General Assembly in the Second Committee, to be prepared and highlighted by the Economic and Social Council (ECOSOC), which reviewed the report of the UNEP Governing Council; the Governing Council in turn had to guide and control the work of the UNEP secretariat, allocate the resources of the Environment Fund, and elaborate the environmental policies to be submitted to the international community.

78. To Brazil, the possibilities of exploring the potentialities of ECOSOC appeared attractive, as both UNEP and UNDP were linked to it, whereas the task of coordinating activities and programmes of cooperation for sustainable development within the system would require hierarchical links and degrees of representation that corresponded only to the General Assembly.

79. Canada suggested that one possibility would be to streamline the work of the General Assembly's Second Committee and ECOSOC to generate substantive resolutions and decisions focusing on sustainable development, where the United Nations arguably had some policy influence. Delegations could ensure that resolutions dealing with programme issues and operational activities on science and technology for development, and women in development, for example, contained language addressing ways in which the United Nations system would follow-up the outcomes of the 1992 Conference. Rationalizing the work programme of the Second Committee and ECOSOC (and their subsidiary bodies) was a difficult task, subject to interpretation and negotiations about competing national priorities. However, given the ongoing efforts to promote reform of the United Nations's economic and social sectors, it might be possible within the next two years to negotiate a more rational work plan, respecting at the same time legitimate concerns by all countries about fundamental development problems.

80. Colombia expressed support for holding an annual session of ECOSOC dedicated exclusively to the theme of sustainable development. The Netherlands (speaking on behalf of the European Community and its member States) also thought that ECOSOC could devote in-depth discussions to thematic issues, in which most of the time environmental aspects played a dominant role. These exchanges of view could contribute to a better understanding of the interrelationship between the various factors that determined sustainable development. The General Assembly, to which both UNEP and UNDP, but also other parts of the United Nations system, reported, would remain in charge of overviewing global action in the field of environment and development; it was also a body where new global initiatives could be taken.

81. Sweden acknowledged that the General Assembly had an indispensable deliberative and opinion-building role to play, which could no doubt be expanded in various ways. For the Assembly to take direct responsibility, however, for the policy review of the entire activities of the United Nations system in the area of environment and development, major changes would be necessary in terms of methods of work, substantive secretariat services, composition and level of delegations etc.

82. According to Switzerland, in order to ensure that environment and development stand at the focus of attention in the United Nations system, they should be approached in an integrated manner from the stage of strategy development to that of project implementation. Prime responsibility for ensuring such an integrated approach fell to the General Assembly and the Economic and Social Council, but also to UNDP (which might therefore be renamed the United Nations Programme for Sustainable Development), UNEP and the specialized agencies. In order to avoid duplication while bridging any gaps, sound coordination was essential. That was a task for the General Assembly, since it was the Assembly that defined the framework in which system activities fell. The drafting and application of guidelines

could be carried out by the Economic and Social Council, which should play a more high profile role than at present. The task might also be entrusted, if appropriate, to one of the General Assembly's main committees, or possibly to a new forum.

83. The United Kingdom noted that the role of the General Assembly in addressing environmental problems, in particular those of a global nature, had increased greatly in recent years. Many world leaders had also used the United Nations General Assembly to address environmental questions. It had also worked out the terms of reference for the 1992 UNCED and the climate negotiations. This revealed the General Assembly's main strengths and weaknesses. A consensus in the General Assembly carried the very important advantage of global consent. But United Nations General Assembly negotiations on the environment had too often focused on procedural issues, and rhetoric had often replaced useful debate. General Assembly involvement was most effective when limited to giving "umbrella" approval for a broad area of work, with the detailed work pursued in the relevant technical forum. The General Assembly's present role should continue. One attractive possibility would be to strengthen the link between the United Nations General Assembly and UNEP by having UNEP report directly to the United Nations General Assembly rather than via ECOSOC as at present. This could help to ensure that environmental debate in New York was soundly based.

84. In the view of the United States, a two-fold intergovernmental process could be established to address environment and development or sustainable development concerns from the political and technical perspectives. Politically, a great deal of ongoing intergovernmental effort might be required to ensure the effective implementation of UNCED's outcomes, as embodied in Agenda 21 or otherwise. Comprehensive and coherent attention to the complete configuration of UNCED recommendations would be indispensable to the success of this endeavour. Much could be achieved in this regard through reports to and debates by the General Assembly, in accordance with an appropriate (perhaps biennial or quadrennial) schedule, as suggested by Resolution 44/228's description of the General Assembly as the appropriate forum for discussion of international environmental policy. Indeed, in many aspects of ocean policy, a wide range of subjects was already regularly considered under the General Assembly item on the Law of the Sea, a valuable process the principal features of which should be suitably preserved. At the same time, three existing United Nations committees seemed to recommend themselves for close examination. The Committee on New and Renewable Sources of Energy, the Committee on Natural Resources, and the Committee on Science and Technology for Development might usefully be combined into a more comprehensive committee to deal with environment and development or sustainable development. Such an entity could serve as the forum for non-governmental groups (NGOs, PVOs, scientific, business, labour, etc.) to participate in the implementation of UNCED's results, perhaps along the lines worked out for NGO participation in the UNCED Preparatory Committee. Japan stated that it could go along with the suggestion to combine existing ECOSOC committees into a single intergovernmental committee.

85. Bangladesh envisaged, at the global level, that the General Assembly would exercise authority through ECOSOC and a new Commission. This new Commission of ECOSOC might be called the "Commission on Sustainable Development". This

intergovernmental body would coordinate the entire range of activities relating to the interpretation and implementation of Agenda 21. Norway thought that the suggestion of a Sustainable Development Commission was a very interesting one, which deserved to be further explored and discussed.

86. Barbados emphasized the necessity for the establishment of a mechanism to ensure that the weaker parts of the partnership were treated fairly with respect to the imperative of sustainability, e.g. financial and technology resources; this mechanism could take the form of a Development Council.

87. Finland pointed out that several proposals had been put forward recently to deal in an integrated way with environment and development on the intergovernmental level. In the Nordic project "United Nations in Development", one of the findings was that there was a need for a policy-level forum, the International Development Council, to discuss issues and to give policy guidance in the field of operational activities above the present governing council structures. This study did not try to deal with the integration of development and environment in the decision-making structures. Finland was ready to develop further this proposal so that environmental concerns would also be integrated in the operational activities. It would not do justice to the basic ideas behind integrating environmental and developmental considerations to create just another commission or committee. What was needed at a policy level was a deliberative, authoritative body where guidelines for future action would be discussed between partners. Clearly there was a need for this kind of a body in the United Nations structures, also recognizing the fact that the United Nations Charter, created some 45 years ago, did not know the word environment. Sweden also expressed support for the proposals to create an International Development Council or an International Commission on Global Governance.

88. Malaysia believed that the proposal pertaining to the establishment of a Sustainable Development Commission was premature, if not a disturbing trend, given, among others, the view in some quarters that ecological considerations provided a basis for intervention in the internal affairs of sovereign States. Malaysia was similarly disinclined towards the setting up of an International Development Council or an International Commission on Global Governance.

89. The non-governmental Baha'i International Community expressed the view that long-term solutions required a new and comprehensive vision of a global society, supported by new values, and a world federal system including a world legislature; a world executive, backed by an international force; and a world tribunal to adjudicate disputes under a single code of international laws. The non-governmental World Federalist Movement believed that the time was ripening for fundamental systemic change, and that institutions were necessary to prepare and implement regulations, including an Environmental Council with truly global representation of industrialized and developing countries. The use of a plenary organ, such as the United Nations General Assembly or a special environment assembly, for the adoption of binding international regulations by a qualified majority vote not allowing a single State veto should be provided for in a general international convention.

90. Cuba expressed reservations against the idea of referring environmental matters to the United Nations Security Council. India also strongly opposed the proposal that environmental issues could be brought under the Security Council, which its veto procedure and its very limited and unbalanced composition made an entirely unacceptable forum for environmental questions; these questions could only be addressed in fora with broadly based, democratic decision-making procedures. Uganda similarly did not endorse the idea of a Security Council type of structure to deal with environmental issues or to set up a separate committee in ECOSOC because these were disadvantageous to developing countries.

91. Egypt objected to proposals for combining UNDP and UNEP. Such proposals aimed at addressing only the national policies of developing countries. The trend towards confining the United Nations task of monitoring the environmental policy and decision-making process to that of the developing countries should be avoided, and the global dimension of environmental protection should be affirmed. Uganda also opposed a possible merger of UNDP and UNEP, while supporting an improved consultation process between them.

92. Australia emphasized that the impetus for effective coordination of the activities and functions of UNDP and UNEP must come from Member States, and that the scope for joint council meetings should be kept in mind. Kenya suggested that the governing bodies of UNDP and UNEP should meet biennially and alternately in Nairobi and New York, to monitor and coordinate the implementation of the UNCED decisions and Agenda 21.

93. In the view of the United States, a separate but closely related intergovernmental process to address the more technical aspects of environment and development or sustainable development concerns could be readily implemented through the use of the existing governing bodies of UNEP and UNDP. The annual UNDP Council meeting could include an environmental or sustainable development subset of its agenda, with the additional participation of UNEP Governing Council members who were not also members of the UNDP Council. This tightly focused joint (or combined) session of the two councils could take appropriate action on sustainable development matters or environment and development issues for the United Nations system, subject to final review and approval by the relevant higher-level organs of the United Nations.

C. Interagency coordination functions

94. As pointed out by Singapore, there is a need to work out mechanisms to promote coordination both at the intergovernmental level and at the level of the secretariat and United Nations agencies and programmes.

95. Australia considered coordination of environment and development policies at the highest political level within the United Nations system to be vital. The current reform process of the United Nations was expected to contribute to this. It would also be necessary to strengthen the central secretariat to support these functions.

96. In the view of Canada, interagency coordination likewise had to start at the top, with a strong commitment and interest by the United Nations Secretary-General to implement sustainable development objectives throughout the United Nations system. In achieving these goals, the Secretary-General would be guided by the decisions of governing bodies, as well as drawing on advice from the Administrative Committee on Co-ordination (ACC) and the United Nations Director General for Development and International Economic Co-operation (DIEC). Another possible means for improving coordination was to adjust the mandate of DIEC to become a Director General for Sustainable Development. New tasks could include system-wide coordination and integration of environmental programmes into the United Nations's development activities, drawing on the decisions by governing bodies of UNDP, UNEP, FAO, WHO, UNIDO, etc. The decision to amend the Director General's mandate to meet new demands would have to come from the Second Committee of the United Nations General Assembly. Such an initiative would require a commitment by the Secretary-General to implement UNCED's outcomes; and by the Director General to work with the various United Nations agencies to produce cogent results. An effective Director General might be more successful than any single agency head in ensuring that broad sustainable development objectives would be integrated into United Nations programmes.

97. Finland also suggested to give consideration to the upper United Nations secretariat structures. Any reform in the field of environment and development should take into account the fact that the Secretary-General had to have at his disposal a well-functioning unit headed by an Under-Secretary-General. Except reporting to the Secretary-General, this unit would serve the environmental considerations in the General Assembly. Functions of the ECOSOC Secretariat would also have to be reviewed in this light.

98. France took the view that the Economic and Social Council remained the only intergovernmental body with a coordinating role, inter alia through arrangements which could be made with the autonomous specialized agencies in the system, including the World Bank. Indeed, the heads of those agencies had been expressly invited to participate in future in the discussion at the consolidated Economic and Social Council session devoted to coordination (which would deal with only a very limited number of issues). But any marked improvement in interagency coordination would be unlikely without an impetous from the top of the Organization. On the basis of that principle, thought might focus on a formula involving regular - annual, for example - meetings of the agency directors concerned, under the chairmanship of the United Nations Secretary-General.

99. New Zealand felt that coordination for the implementation of Agenda 21 in the United Nations system required close cooperation at the highest levels, for which the right mechanism had yet to be found. While the group of Designated Officials for Environmental Matters (DOEM) had worked well since its establishment in 1979, a more formalized and higher-level body was now required. The end result should be an overall improvement of coordination within the United Nations system between the environmental agencies, guided by the need to ensure that the importance of environment and sustainable development were properly placed at the heart of the United Nations' concerns. Such an improvement in coordination might be reflected in the

identification of targets and the setting of clear standards for performance, avoidance of duplication of effort by the United Nations agencies, and allocation of responsibilities to those agencies best placed to deliver results.

100. The Philippines stressed the need for central United Nations secretariat coordination by the Office of the Director General for Development and International Economic Co-operation (DIEC, possibly to be changed to include environment), with staffing from the agencies concerned.

101. Sweden noted that the follow-up of Agenda 21 at the interagency level required not only the full and continuing support by the agencies in the United Nations system but also really effective methods of cooperation within the system. The system should be capable of adapting to new and changing circumstances. It had to take into account factors outside the immediate scope of Agenda 21, but highly relevant to its implementation, such as economic, social and political developments. An integrated outlook should be ensured, while drawing fully on the advantages of the decentralized structure of the system. These considerations called for a strengthened role of the ACC. Institutional complexities had often made it difficult in the past for the ACC to fully live up to its role. The ACC represented nevertheless an important potential which should be used extensively if the United Nations system were to be able to live up to the challenges of the 1990s. For its role in the broad area of environment and development, and notably the follow-up of Agenda 21, various practical possibilities could be contemplated. They could include regular meetings devoted exclusively to this subject, the establishment of a high-level task force or the setting up of a special mechanism along the lines of the former Environment Co-ordination Board.

102. According to Switzerland, inter-secretariat coordination needed to be strengthened. The Administrative Committee on Co-ordination should perform this task more intensively; alternatively, the former Environment Co-ordination Board, chaired by the UNEP Executive Director, might be revived with terms of reference extended to cover the development dimension. Coordination should be guaranteed up to the stage of project implementation. In this way a central role would be taken up by the permanent representatives or the UNDP coordinators.

103. The United Kingdom cautioned against relying on the success of a centralized coordinating mechanism. The key to proper coordination was to ensure that within each separate United Nations body the environment and development factors were properly taken into account, and that the links between these bodies were as sensible as could be achieved.

104. Zimbabwe supported the strengthening of UNEP in coordinating environment issues within the United Nations system. The non-governmental International Union for Conservation of Nature and Natural Resources (IUCN) drew attention to the "system-wide medium-term environment programme" (SWMTEP) as an expression of the coordinating role of UNEP, reflecting involvement of all the organs of the United Nations system. SWMTEP should, after consideration by

ECOSOC and adoption by the General Assembly, be considered as a binding plan for all activities of the United Nations system related to environment and sustainable development.

105. A number of delegations expressed their support for reviving the former Environment Co-ordination Board (Australia, Finland, Malawi), possibly to be renamed "Environment and Development Co-ordination Board" (Tanzania) or "Environment and Development Management Board" (Zimbabwe), and to be co-chaired by the executive heads of UNDP and UNEP. The Netherlands (speaking on behalf of the European Community and its Member States), while considering this proposal in a positive manner, asked to ensure that any arrangement would fit well with the present coordination structure of the ACC under the chairmanship of the Secretary-General, and underlined that the arrangement should be practicable and effective and not lead to even bigger bureaucracies.

106. According to Kenya, the ECB should be re-established to ensure coordination among all United Nations bodies concerned in the implementation of environmental programmes. The ECB should be based at UNEP headquarters and be chaired by the Executive Director of UNEP. There should also be established an interagency coordinating body to be called the Environment and Development Co-ordinating Body (EDCB) to be responsible for monitoring and catalyzing interagency linkages in all issues concerning environment and development. The EDCB should meet twice a year alternatively in New York and Nairobi and be co-chaired by the executive heads of UNEP and UNDP. All United Nations agencies should be represented on the Board and should draw on and complement UNEP's expertise rather than duplicate or replace it within their own organization. The EDCB should report to the General Assembly through the Secretary-General.

107. Norway did not believe that a revival of the ECB would serve the purpose of interagency coordination. In this area rather a body with the necessary authority was needed, which would review and coordinate the work on the complex issue of environment and development in the United Nations system as a whole in a truly integrated manner. The Brundtland Report's proposal of a new United Nations "Board for Sustainable Development" under the chairmanship of the Secretary-General should be further explored.

108. In the view of the United Kingdom, a number of themes came together here: the integration of environmental considerations into other policy activities within the United Nations system and the fact that UNEP could not fully perform its intended role of coordinating environment work in the United Nations system; and the question of how to administer and co ordinate international and environmental agreements. Among the options suggested were ideas for a new umbrella body, such as the establishment of a United Nations "Board for Sustainable Development". Some seemed to aspire to the continuation of the UNCED Secretariat or a successor body after June 1992 in a similar over-arching coordinating role. It was not clear why such new bodies would succeed in establishing better co ordination where so many had already failed, and indeed they might simply add an extra layer of bureaucracy and interagency competition. It seemed preferable to consider how to improve existing coordination mechanisms. The United Kingdom supported the revival of the Environment Co-ordination Board (ECB). This could be chaired by the Executive Director of UNEP and attended by heads of agencies. A variant that

could be considered would be an Environment and Development Co-ordination Board jointly expanded to include, for example, a possible role in assessing environmental audits produced by individual agencies. The DOEM would remain in being to service the ECB.

109. The United States considered that an interagency coordinating mechanism to handle environment and development, or sustainable development, questions could be formed under the co-chairmanship, or other appropriate joint management arrangement, of the UNDP Administrator and the UNEP Executive Director. The coordinating mechanism would be modeled in part on the successful aspects of the earlier ECB which was later merged with the Administrative Committee on Co-ordination (ACC), with appropriate additions to or deletions from that board's original functions. An additional model could be found in the current work of the Consultative Committee on Substantive Questions (Operational Activities), a subordinate body of the ACC, which handled the United Nations's involvement in development efforts. The coordinating mechanism would most usefully be based in New York - the United Nations's policy-making centre - and be made up of senior representatives from every United Nations entity with substantial environmentally or developmentally related activities. Perhaps the most important function of the co ordinating mechanism would be to provide continuous liaison between UNEP and UNDP, as well as coordinating the major environmental and developmental efforts of other United Nations bodies. A principal goal would be to ensure the preparation and consideration of environmental impact assessments for all United Nations-related projects and development activities. Support for the coordinating mechanism could be provided by redirecting the resources now devoted to the Designated Officials on Environmental Matters (DOEM) and the Committee of International Development Institutions on the Environment (CIDIE), and by secondments of staff from each of the major agencies represented in the coordinating process. Higher level monitoring or, if necessary, oversight, of the co ordinating mechanism could be carried out by the Administrative Committee on Co-ordination (ACC), which was chaired by the Secretary-General and currently tasked with coordination of environmental and developmental activities in the United Nations system. Subsequently, if experience so warranted, the coordinating process could be placed under the supervision of a designated (e.g. DIESA) or reassigned (e.g. DIEC) senior Secretariat official, reporting directly to the Secretary-General. The coordinating mechanism would in the first instance ensure that UNDP's activities were in proper consonance with the requirements for sustainable development, and that UNEP was effectively supporting this effort. At the same time, the coordinating process would examine the environmentally and developmentally significant activities and plans of each United Nations agency, and recommend adjustments where appropriate. To ensure the effective operation of the coordinating mechanism, continued active attention by Governments would be essential. As members of each of the executive or governing bodies of the participating organizations, it would be incumbent upon Governments to see to it that those organizations would cooperate and lend their full support to the process, and, where necessary, modify their own programmes and activities to conform to the guidance and direction which the process would provide.

D. Financial functions

110. Brazil (also speaking on behalf of Argentina) emphasized the need for creative financial arrangements to implement programmes of sustainable development. Existing mechanisms were inadequate for future needs. The main problems were insufficiency of concessional disbursements, the imposition of conditionality and the stagnant treatment of environmental concerns. Funding for the promotion of sustainable development should extend to programmes which affected local communities as well as to global programmes. The decision-making process on the use of these funds for implementing the programmes would require an equitable participation of donors and recipients. Morocco also called for democratic decision-making in international financing.

111. The non-governmental Consortium for Action to Protect the Earth (CAPE 92) drew attention to the precedent set by the Montreal Protocol on Substances that Deplete the Ozone Layer, under which wealthy Parties had agreed to make additional funds and access to new technologies available to poorer Parties. New agreements should create similar mechanisms for resource transfers based on a broad range of strategies including debt reduction, levies on environmentally harmful activities, or other means. An enhanced United Nations environmental organization should be responsible for coordinating and overseeing these arrangements, which might involve other United Nations agencies, multilateral development banks, bilateral aid agencies, and other institutions. All resource transfers should be fully transparent, allow participation by affected populations, and be subject to an environmental audit process.

(i) Global Environment Facility

112. A large number of delegations commented on the Global Environment Facility (GEF) set up jointly by the World Bank, UNDP and UNEP. While some delegations welcomed the establishment of the GEF as a useful pilot experience (Austria; Nigeria), others expressed reservations with regard to the GEF in its present form (Algeria; Chile), and called for the establishment of other funds (Cuba).

113. Barbados considered the GEF a useful model of new and additional financing, but not as the only one. The use of per capita criteria put some countries at a disadvantage, and the GEF did not provide resources for countries to address regional and national problems.

114. Colombia felt that the GEF could be used as one of the funding sources for sustainable development programmes, provided that important changes were made in its current structure, including modifications of its administration and governing body so as to allow a more equitable and balanced representation of developing countries. With the necessary modifications, including reporting to ECOSOC, the GEF could be envisaged as the body to administer new resources for sustainable development.

115. In the view of Finland, important elements in financial mechanisms related to decision-making and administration. Decisions concerning policies and criteria for fund allocation should be made by the Parties to the

conventions concerned. The GEF might provide the administrative arrangement for the new trust funds, on the understanding that resources were additional to existing ones and that policy decisions were made on a basis of equality by the Parties only.

116. For France, the issue of funding environmental protection and sustainable development was one of the major challenges of the current international debate. Without entering into the issue of sources of finance, and focusing solely on recent multilateral institutional developments, thought on this point should focus on two principal considerations:

(a) The question of linking the international financial institutions to the selected institutional arrangement was vital. The multilateral Global Environment Facility (or GEF) achieved such a linkage, because it was managed by United Nations institutions (UNDP and UNEP) as well as by Bretton Woods institutions (the World Bank).

(b) However, the Global Environment Facility, which had been set up before the international review of environmental matters in the UNCED framework had reached its conclusion, should evolve in order to fit in with the international machinery currently being negotiated. Its evolution should concentrate on two areas:

(i) Involving the developing countries in the operation of GEF and its decision-making process;

(ii) A linkage between access to GEF funding and membership of universal conventions in the field of the environment (drawn up under the auspices of the appropriate United Nations bodies) which were being negotiated.

117. Guyana (also speaking on behalf of Barbados and St. Lucia) recognized that the GEF, as a pilot project, was still very new and should be evaluated comprehensively before any decision was made to add new functions or responsibilities. Criteria of eligibility that conflicted with the principle of differentiated responsibility should be modified as a matter of urgency.

118. India believed that the GEF was important as an interim, experimental mechanism, but would be an inadequate and inappropriate mechanism for Agenda 21 or the conventions on climate change and biodiversity. The decision-making procedures in GEF would be inappropriate for the new programme of cooperation India had in mind. More broad-based, democratic procedures were needed than those of GEF. This referred not only to broad policy formulation, but also to project selection questions.

119. Japan was of the view that careful study of the Ozone Fund of the Montreal Protocol and the GEF would be useful for considering the effective use of existing institutions. Although the financial mechanisms of the conventions on climate change and biodiversity were a subject of negotiation, it was certain that the conventions should establish financial mechanisms to materialize the provisions of rights and obligations of Contracting Parties. An evolving GEF had been mentioned as an option for such a mechanism. In case

the Parties chose this option, GEF should be modified accordingly, inter alia, with regard to the scope of operations, the participants and the decision-making process. The financial mechanism to be provided for in the conventions concerned should be flexible enough to allow the maximum use of various financial sources in addition to the core fund, should one be set up for the purpose of the conventions.

120. Myanmar endorsed the GEF and reported that it had already, with the assistance of UNDP, made preparations for project formulation for protection of critical ecosystem to be funded by GEF. GEF could serve as one of the general "sourcing" funds. Other mechanisms should also be strengthened and supplemented on an ad hoc case-by-case funding. Myanmar supported the Group of 77's position that contributions to funding mechanism be mandatory, based upon the principle of main responsibility of developed countries to combat environmental degradation. This could further be enhanced by voluntary contributions.

121. The Netherlands (speaking on behalf of the European Community and its Member States) cautioned that the development of case-by-case funding mechanisms would add to a proliferation that should be avoided. A central funding mechanism, which vested implementing responsibility with experienced agencies and bodies, could ensure efficient use of resources. The GEF could play this role. The pilot phase of the GEF was an opportunity to assess and evaluate experience gathered, in order to make the necessary adjustments, also taking into account experience gained with the Multilateral Fund of the Montreal Protocol. With respect to conventions, there should be a role for the Contracting Parties including in financing administrative functions.

122. Nigeria, while welcoming the establishment of the GEF, suggested that its mandate be enlarged to include projects relating to desertification.

123. Norway recommended building on the GEF as a financial mechanism for global environmental issues, including international conventions.

124. In the view of Sweden, the question of financial mechanisms formed an integral part of considerations on intergovernmental institutional arrangements in the field of environment and development. The GEF represented an attractive institutional innovation, opening up a highly desirable cooperation between the Bretton Woods Institutions and the United Nations system and drawing upon the comparative advantages of the three participating agencies, the World Bank, UNDP and UNEP. For the GEF to play a major role in the follow-up of UNCED, its mandate needed to be considerably broadened to other areas of particular interest to developing countries. Also, the view of all participating countries should be fully taken into account in decision-making procedures. Furthermore, there was the possibility of using the GEF as an umbrella mechanism for channelling additional resources linked to specific conventions, based on the precedent of the management of the resources for the Montreal Protocol.

125. Switzerland believed that the funds should be managed by the best qualified agencies. The Global Environment Facility was certainly a promising arrangement in that regard. The lessons to be drawn from its activities, and those of the "ozone fund" set up under the Montreal Protocol, should be

evaluated with care, with a view to the possible establishment of other global funds. Moreover, the precisely targeted, effective and coordinated use of available resources could not be guaranteed unless there were close links between the funds.

126. Thailand pointed out that the establishment of a global fund to assist developing countries was an imperative measure to tackle the incremental costs needed for environmental protection and conservation. The fund should be available for environmentally sound and national sustainable development projects, as well as those projects initiated by the private sector. Thailand supported the GEF. However, the GEF was confined to only four environmental issues. Only when adequate financial resources were provided, could the poverty, debt and environmental degradation cycle in developing countries be broken.

127. In the opinion of Uganda, the GEF did not provide appropriate mechanisms and modalities for a fund envisaged for the implementation of Agenda 21.

128. The United Kingdom suggested that the GEF should act as the funding mechanism for all major global environmental agreements, and this action should remain distinct from financing through other agencies for more general developmental or national purposes.

129. To the United States, representation and participation in the coordinating process on the part of associated organizations and institutions, especially the international financial institutions, was of critical importance. It was necessary to explore ways to involve the World Bank in the overall coordinating process, and in particular, to consider whether and how to link the GEF to the coordinating mechanism. The GEF already included UNDP and UNEP in a tripartite arrangement with the World Bank, so that a linkage to a mechanism co-chaired by the heads of UNEP and UNDP might be accomplished in a straightforward manner. However, the actual implementation of the linkage might best await completion of the GEF's pilot phase. In any case, the World Bank had to be a full and active participant in any effective process for coordinating international environment and development activities. Similarly, efforts should be made to bring in the private financial sector in some appropriate way as well. Indications of some possibilities in this regard had recently emerged in the CIDIE context, for example, and these should be examined for their prospects and potential. The GEF was only just getting underway. The first tranche of projects was going forward, and the GEF was expected to improve as the implementing agencies gained experience with this new mechanism. The United States shared concerns others had expressed about governance issues, and was working with other participants to resolve those issues. The GEF should have an open and transparent appraisal process. This process should involve scientific and technical authorities, and NGOs that have experience and expertise in certain fields. The proper way to proceed was to redouble these efforts to strengthen existing institutions. UNCED should not be discussing new funding mechanisms, but rather be working energetically to improve the mechanisms already in place, particularly the one just established to focus on global environmental problems. Time was short, so the Conference should deal directly with the underlying problems, rather than seeking the chimera of a new, perfect mechanism.

130. The representative of the United Nations Development Programme (UNDP) stated that the GEF should be seen as an experimental/testing mechanism. There was a need to broaden significantly the objectives of GEF as well as to expand its financial base. This was necessary in order to respond to an accelerating demand from developing countries for new and additional financing to complement their own resources allocated for national and global environmental concerns, which are often interrelated. GEF participants had already added a small grants window in GEF for localized action in support of grassroots and community initiatives, and were working with national and international NGOs to accelerate its implementation. The United Nations Volunteers programme (UNV), administered by UNDP, was preparing itself to provide technical and organizational support in the relevant areas to community-led initiatives in local resource management. The three managing partners of GEF were also striving to achieve a better balance between developing and developed countries in the governance of GEF within the existing voluntary and pilot nature of the Facility. The Scientific and Technical Advisory Panel (STAP) of GEF was also contributing to this end.

(ii) Other proposals

131. China, together with the Group of 77, proposed that there should be a separate fund for each convention, or proposed convention. There should be a general Fund (Fund for the Promotion of Sustainable Development/Green Fund) to cover activities not included in separate conventions. This Fund should be separate from the GEF and should serve sustainable development needs of developing countries, including Agenda 21. Predictability in the flow of funds should be guaranteed by mandatory contributions from developed countries, in accordance with their responsibilities. The governance of the funding mechanisms should be transparent; democratic in nature; with an equal voice for all parties; with access to all developing countries without any conditionality; and provide for funding of activities according to the priority of the developing countries, taking into account the priorities identified in Agenda 21.

132. Colombia endorsed the proposal to create a general "sourcing fund" [fondo general "matriz"], to be financed largely from assessments and not merely from voluntary contributions. That fund would not exclude the funding needed to implement specific conventions to be adopted.

133. Egypt called for a new general fund that would have contributions from developed countries. Rather than relying on voluntary financing only, UNCED should come up with a predictable source of funding.

134. Finland pointed out that international conventions would play an important role in organizing the financing for a specified purpose. The conventions negotiated for signature in connection with the Conference should contain provisions for a financial mechanism. They should include a fund assisting developing country parties to meet their obligations. The contributions to these funds should be assessed. GNP might be a practical criteria for assessments, but application of the polluter pays principle should also be considered here.

135. Gambia strongly supported the proposal of the Group of 77 to establish a general "Sourcing Fund" which could be called a "Green Fund". Such a fund should be the source of financing for specific requirements, such as the GEF, the UNEP Fund and the proposed Capacity-Building Fund. It should, in addition, be a source of funding for dome Agenda 21 programmes of activities as well as the additional finance needs of developing countries related to environmental measures for poverty alleviation and the attaintment of sustainable development.

136. According to Ghana, the newly mobilized resources should be channelled to the various funds to be established under conventions that would eventually be agreed upon. A general fund should also be established to support activities not covered by the separate conventions. But, in order to save administrative costs, those funds could in some way be linked, although their governance need not necessarily be the same. Developing countries expected the governance of those funds to be democratic, with equal voice in the decision in the decision-making process by all parties.

137. In the view of Guyana (also speaking on behalf of Barbados and St. Lucia), there should be special and specific funds attached to each convention. A separate "General Fund for the Promotion of Sustainable Development", distinct from the GEF, should be created to be used, inter alia, for implementing agreed elements of Agenda 21, the building of national capacities and capabilities for undertaking research and development activities for the achievement of utilization of natural resources, etc. The new and financial resources should be genuine "additionalities" and not simply a reallocation of existing, already inadequate, financial resources. Conditionalities, which inhibited access of developing countries to the new and additional financial resources, and eligibility criteria such as GDP per capita, should be discouraged. Contributions to the new funds should be mandatory, linked to responsibility for environmental damage and be of compensatory nature, as recognized in United Nations General Assembly Resolution 44/228. Sovereignty had to be respected, particularly the right of each State to determine its own development priorities. And, finally, governance of the funds should be based on the principles of genuine democracy in the relations between States constituting the new global green partnership.

138. India stressed that each of the conventions under negotiation - on climate change and biodiversity, respectively - should include provisions for a separate fund specific to the convention. In addition, there should be a general fund, such as the Green Fund proposed in the Beijing Declaration to provide new and additional funds for other areas of Agenda 21. All these funds should be managed on an equal-based, democratic basis. This applied not only to policy formulation but also to decisions on project selection.

139. Malaysia believed that the thrust of the fund should be to finance projects relating to sustainable development. The fund should be large enough with assured access for developing countries as well as have steady sources of replenishment. The management structure had to be democratic and represent all parties as reflected in the multilateral fund of the Montreal Protocol. Malaysia supported a fund, either called "Green Fund" or "Fund for Sustainable Development". This fund should be separate and cover areas not covered by

specific agreements. It was not realistic to rely on voluntary contributions for the substantial amounts of additional financial resources required. Mandatory contributions by developed countries were critical. In this regard, developing countries which were prepared to contribute on a voluntary basis could be encouraged to do so.

140. Mali supported the idea of a "Green Fund" independent of the Bank system. Trinidad and Tobago likewise called for a general fund to cover activities not included in separate conventions. This fund should be separate from the GEF in respect of which contributions from developed countries should be mandatory. Governance of the funding mechanism should be transparent, with an equal voice for beneficiaries and donors. Funding should be on the basis of the priorities of the recipient countries, in accordance with their national plans and objectives.

141. Tunisia's preference was for the establishment of new specific funds for environmental protection. They could be financed from various sources (mandatory contributions from countries which caused the greatest pollution, debt-servicing and so on). It would be wiser and more effective for funds levied under global legal instruments to be provided directly by the parties to each agreement under a separate mechanism (a trust fund as a part of bilateral arrangements between developed countries and developing countries).

142. Uganda insisted that the fund envisaged should be free from any form of conditionality and genuinely under the control and administration of all States Parties at an equal footing.

143. The United Kingdom reiterated its view that existing mechanisms should be strengthened. New funds and institutions were not relevant solutions; the existing mechanisms needed to be made more efficient. Above all, a realistic view of the existing types of financing was required.

144. The non-governmental World Federalist Movement called for a funding mechanism with democratic decision-making procedures to promote environmentally sound development policies, a funding mechanism based on general levies, or special levies on environmentally detrimental activities such as the burning of fossil fuels. The non-governmental Third World Network expressed concern if a Green Fund was located in the World Bank, and instead proposed to place any new central fund to be set up under United Nations auspices, with fair participation by governmental organizations in the Third World.

## E. Functions relating to the administration and implementation of international law

145. In the view of France, there was a need to rationalize and coordinate the activities of the secretariats of the international conventions. As far as the UNEP-managed conventions were concerned, a number of measures might be contemplated, ranging from centralization of the administrative resources of the secretariats within the UNEP secretariat to the phased grouping of all the secretariats in a single location, possibly Geneva.

146. Sweden suggested that UNEP would be a natural focal point in the United Nations system in the development of international environmental law, including "soft law" instruments. It would seem natural that it be equipped to take on secretariat functions resulting from an increasing number of international legal agreements.

147. Switzerland noted that global environmental problems will to an increasing extent be regulated by means of international treaties: new secretariats will be set up to ensure their application. Since the problems dealt with, despite their diversity, might have common implications, such as verification or dispute settlement, close cooperation between secretariats would be beneficial. Such cooperation would be facilitated if they were grouped together geographically.

148. The United Kingdom likewise addressed the question of how to handle the task of administering forthcoming major international environmental agreements. The Montreal Protocol secretariat was dependent on UNEP for administrative purposes but was politically answerable to the Montreal Protocol machinery. This arrangement took advantage of UNEP's experienced staff and would allow for coherence in implementation of the various conventions as they were negotiated. There were strong advantages in the United Nations system of keeping bodies small and highly specialized. The new secretariats, particularly those for climate change and biodiversity, should follow a similar pattern - administrative dependence on UNEP but political machinery established under the convention concerned. These secretariats would also need to be given clear organizational links to the GEF.

149. According to the national report of the Netherlands, it would also be necessary to equip the United Nations with powers to enforce the implementation of environmental measures and to bring about international agreements and actions. The non-governmental Consortium to Protect the Earth (CAPE 92) believed that a United Nations environmental organization should have the power to set international environmental standards, and that an environmental compliance council should monitor and assist nations' compliance with their obligations under international environmental agreements. The non-governmental Netherlands National Committee for IUCN suggested that the UNCED should make a concrete step towards the establishment of an "international environmental ombudsman", who should be competent to request an advisory opinion from the International Court of Justice and to bring a dispute before an international environment court. Colombia expressed sympathy with proposals to designate an international ombudsman for sustainable development.

150. In the context of the Hexagonale proposals for the prevention and settlement of environmental disputes (A/CONF.151/PC/L.29 and A/CONF.151/PC/WG.III/L.1), Austria provided further explanations and elaborations on the independent inquiry commission and the mixed claim commissions to be established pursuant to these proposals.

151. Canada favoured better, more accessible and more efficient international mechanisms for preventing and resolving disputes that might arise in relation to environmental and resource management matters, and outlined a number of basic principles and ground rules in this regard. While many international

treaties provided for imaginative dispute resolution and avoidance techniques, an examination was now needed of the best ways of making such techniques and methods universally applicable. There also was a need to establish a mechanism that would build up a body of expertise, a strong track record and a reputation for impartiality and excellence. Such a mechanism should be in a position to provide assistance to all parties in a dispute ranging from advice on the conduct of negotiations or acting as fact-finders, to more active participation as mediators or conciliators. The facility could further assist by maintaining a list of third-party neutral persons who could act as arbitrators or as chairs of arbitration panels that could render final and binding decisions, if the parties were unable to reach agreement through negotiation, mediation or conciliation, and if the parties were willing to submit the dispute to such arbitration.

152. Colombia and Mexico drew attention to the need to strengthen the role of the International Court of Justice in the settlement of disputes relating to the environment, and urged States to recognize the compulsory jurisdiction of the Court in these matters.

153. Finland, while supporting compulsory settlement of environmental disputes, was slightly hesitant to accept the Hexagonale proposal to form a permanent chamber in the International Court of Justice to deal with such disputes. The nature of environmental disputes differed widely, depending on the parties. It was necessary instead to include precise provisions on dispute settlement in each international environmental agreement. In that connection, Finland also emphasized the importance of participation by third parties; i.e., non-State actors whose environmental and economic interests were most directly affected.

154. India considered it premature to address the question of a dispute settlement mechanism at this early stage in the development of a corpus of international environmental law. The specific conventions which were negotiated could contain their own provisions for dispute settlement. Given the enormous diversity in the nature of environmental disputes, and the scientific uncertainties in some of the potential areas of dispute, India was doubtful of any generalized mechanism or procedures for dispute settlement at this stage.

155. Kenya recommended that a mechanism for the prevention and peaceful settlement of ecological disputes be established under UNEP and located at its headquarters. Zimbabwe stressed the need for a United Nations body to coordinate the resolution of environmental conflicts, and believed that UNEP, given the appropriate instruments and resources, could coordinate this activity.

156. New Zealand firmly believed in the importance of dispute settlement mechanisms, endorsed the Hexagonale Group's suggestion that dispute prevention and settlement be included in Agenda 21 and shared the proposal for the establishment by the International Court of Justice of a permanent chamber dealing with environmental disputes. The doubts expressed by Finland as to the practicability of this aspect of the proposal needed to be commonly discussed by the Working Group, as well as the proposal referred to by Mexico and Colombia for settlement of environmental disputes through the

International Court. New Zealand fully supported the proposal that UNCED should recommend the acceptance of compulsory jurisdiction of the International Court in environmental matters.

157. Switzerland welcomed the Hexagonale Group's initiatives, but felt that a further step forward could be made in the peaceful settlement of disputes by making provision for obligatory recourse to a third party when one party to a dispute refuses to negotiate or negotiations fail. In that way, any party to a dispute could submit it unilaterally to a conciliation procedure. Such a method was in fact already provided for at the global level in the Vienna Convention on the Protection of the Ozone Layer. There was also a need to consider and promote the possibility of setting up machinery which would lead to decisions binding on the parties involved, as in the case of arbitral and judicial procedures. Provision should also be made for cases involving not two but several parties. There also seemed to be a need to lay down deadlines at each stage of the peaceful settlement procedure. Switzerland emphasized the importance of investigations in the search for a solution to a dispute. If the investigation was to be regarded as an objective examination of the facts, the international community should devote itself to harmonizing the technical standards required to evaluate damage to the environment.

158. The United States view was that dispute resolution mechanisms should be incorporated into international agreements, and should be designed by the parties to the agreement to be responsive to the specific types of disputes that might arise under that agreement. The United States was not, however, in favour of the development of a single institution or mechanism for the settlement of all international disputes related to the environment. The Hexagonale proposal on the "Settlement of International Disputes Concerning the Environment" (A/CONF.151/PC/WG.III/L.1) seemed to share this basic approach. To the extent the proposal was general in nature the United States could accept in principle the practical value of setting forth a compendium of dispute settlement procedures to which Governments might refer when negotiating international agreement regarding the protection of the environment, and could support efforts to draft such a reference document. With regard to the Hexagonale proposal on the "Prevention of International Disputes Concerning the Environment" (A/CONF.151/PC/L.29), the United States could support elements of this proposal as additional procedures to be set out under the Hexagonale proposal for settlement of international disputes. However, various aspects of the proposal raised significant questions needing further clarification, and would require careful consideration to be acceptable.

159. The non-governmental Netherlands National Committee for IUCN called for making more effective use of, and enhancing the jurisdiction of the International Court of Justice, which should establish a special environment chamber when appropriate; if this were not feasible, a new international environmental tribunal should be established, possibly with branches operating in regions. The non-governmental World Federalist Movement also advocated compulsory jurisdiction in relevant disputes for the International Court of Justice, or if its statute could not be amended to admit international organizations as parties to disputes, for a special environmental tribunal.

## III. INSTITUTIONAL FOLLOW-UP ARRANGEMENTS AFTER THE 1992 CONFERENCE

160. Algeria proposed to consider holding every five years, and starting in June 1997, follow-up summit meetings to evaluate the implementation of decisions and agreed measures, at the level of heads of States or Government. In the view of Argentina, Agenda 21 should be adapted every five years by an intergovernmental conference.

161. Australia felt that it was still too soon to determine the precise form of the mechanism needed for periodic review of the UNCED outcome; that should evolve from the needs presented by the gradually developing shape of Agenda 21.

162. Bangladesh suggested that the implementation of Agenda 21 should be monitored at the national level by National Commissions on Sustainable Development.

163. Costa Rica proposed in its national report that, as an outcome of the 1992 Conference, a "Planet Earth Council" or simply "Earth Council" be created [in Spanish "Consejo del Planeta Tierra"], composed of 12 to 18 persons from different countries known for their scientific reputation and international prestige in global assessments. Such a council would be elected at the UNCED Conference and would meet two (or perhaps three) times annually. Its main task would be to assess, as objectively as possible, the state of the Earth, concerning the conservation of the environment in the light of present uses of planetary resources as well as the aspirations of developing countries in reaching a fair and dignified standard of living in the socio-economic context. The Council would function outside the United Nations system so as to enhance its objectivity and transparency in considering Planet Earth. However, it would essentially draw on information gathered by the United Nations specialized agencies, as well as other institutions, particularly non-governmental organizations having global approaches. It would examine, for example, such aspects as abating air, water and soil pollution and its consequences, progress in different aspects of nature conservation and the maintenance of biodiversity, the adequacy of present and future institutions and provide guidelines for global policies and actions. As an independent body, it would greatly contribute to express the conscience of a civilized world in the light of environmental deterioration, by analysing present resource management system and their consequences and indicating pathways to achieve sustainability and equity in a global biological as well as socio-economic perspective. It should particularly stress the long-term consequences of different global management scenarios and point out the most harmful threats as well as the most successful achievements. The results of the Council's deliberations should receive the widest publicity and should hopefully become a powerful instrument to the strengthen or otherwise actions of United Nations agencies as well as multilateral, bilateral governmental as well as non-governmental organizations involved in scientific aspects and field work. Costa Rica proposed that such a council should meet in Costa Rica, serviced by a small secretariat to be established and funded by resolutions forthcoming from the UNCED Conference. The secretariat, in close consultation with the Council members as well as other relevant organizations, should pave the way to make the Council meetings as productive as possible and would be responsible for wide diffusion of the Council's deliberations, without, however, engaging in field projects.

164. Finland endorsed the views presented in paragraph 20 of document A/CONF.151/PC/80, and emphasized the need to agree on a procedure to organize the UNCED review process. Before an institution for this purpose would become operational at the political level, there might be a need to organize the follow-up on an interim basis. An interim solution would be to organize it in the context of the General Assembly and its subsidiary bodies, or possibly to organize a specific review conference in a few years.

165. France proposed to ensure regular follow-up of the implementation of the conventions and of the commitments entered into at UNCED, by way of an Earth Commission (or Commission on Sustainable Development), assisted by a committee of experts: States would be invited to prepare and publish regularly a simplified consolidated report reproducing their replies to all the questionnaires relating to environmental conventions (drawn up under the auspices of United Nations agencies) to which they were parties. The report would thus provide a clear view of the implementation of their commitments, both regionally and globally, would throw more light on their strategies and would help the international community to identify their needs for external assistance of all kinds. The aim would be to involve the entire international progressively in the exercise. States which did not have the capability needed to conduct such a review might receive technical and financial assistance from UNEP and other agencies. Similarly, when the parties so agreed, the secretariats of the conventions would report on their activities to the committee of experts. United Nations system agencies with competences in the field of development would act in a similar fashion, along the lines already followed in CIDIE. A committee of independent experts appointed by the Earth Commission (or Commission on Sustainable Development) would be set up. It would examine the national consolidated reports and the progress reports on the conventions concerned. It might also recieve contributions from international NGOs that had a consultative status with UNEP. The committee of experts would submit to the Earth Commission (or Commission on Sustainable Development) a periodic report which might contain recommendations addressed to the parties to the conventions covered by the committee, the UNEP Governing Council and other international organizations. This Earth Commission (or Commission on Sustainable Development), which would be intergovernmental in nature, might be elected by the Economic and Social Council, but would be open to representatives of all member States of the United Nations, the specialized agencies or IAEA. On the basis of the report prepared by the committee of experts, the Commission would undertake an assessment of the commitments entered into at UNCED (Earth Charter, Agenda 21 and the statement of principles on forests, in particular), as well as an assessment of efforts by States to implement the conventions which specified such action by the Commission. The Commission would operate similarly to the Commission on Narcotic Drugs; representatives of NGOs active in environmental protection would participate in its work without the right to vote. The involvement of NGOs in the Commission's discussions would be a complement to their earlier contributions to the preparation of the report of the committee of experts. The Commission might seek additional information from States and the secretariats of the conventions concerned, and, where appropriate, organize investigations. The Commission's report to the General Assembly would also be communicated for information to all the States entitled to participate in the work of the Commission, as well as UNEP and all the secretariats with an interest in Sustainable Development. The administrative

and logistical operations of the Commission on Sustainable Development, and the committee of experts providing assistance to it, would be entrusted to a small secretariat in Geneva (where the two bodies would have their headquarters), and the secretariat in turn would be administratively linked to the UNEP secretariat.

166. According to Guyana, the integration of environment and development programmes into the United Nations system would have to be complemented by an institution to coordinate activities within the United Nations system. This mechanism should be simple but efficient and effective and be further aided by a mechanism which, inter alia, would consider national and international reports, monitor and evaluate progress in the implementation of Agenda 21 and give advice to the coordinating body on the state of environment and development vis-à-vis the implementation of Agenda 21 and other relevant environment issues.

167. Japan suggested, as a possible option, to establish a coordination committee consisting of UNDP and UNEP. This committee, in cooperation with other bodies and organizations concerned and Governments, should monitor and review the implementation of Agenda 21 on an annual basis, with the results reported to the United Nations General Assembly. The General Assembly would consider, if necessary, a revision of Agenda 21 depending on the results of implementation.

168. In the view of Malaysia, an initiative that had a review and evaluation role after the 1992 Conference should integrate environment and development aspects and should operate on the basis of transparency and United Nations democratic principles.

169. The Netherlands (speaking on behalf of the European Community and its Member States) referred to the idea of a regular high-level meeting or other mechanism, preferably at the ministerial level, that would give general policy guidance to the implementation of the objectives and action proposals of the Conference and which would consider possible gaps. This idea was among a number of other ideas that should be further studied and elaborated. Any solution should contribute to an improved integration of environment and development, and should be related satisfactorily to an evolving Global Environment Facility. One of the questions that should be studied was the relationship between such a high level meeting or mechanism with existing bodies dealing with global environment problems and sustainable development questions.

170. Norway believed that a follow-up system with reporting from United Nations agencies, regional bodies and Governments could be considered.

171. In the view of St. Lucia, the goal of sustainable development would in the long term lead to the fusion of United Nations agencies under the broad banner of the programmes identified in Agenda 21. As no agency of the United Nations could currently assume the role of lead agency in a sustainable development scheme, the UNCED secretariat had to take on this role as coordinating agency, until the fusion of these agencies was complete. UNCED would then assume the role of a Commission or Council, with the executive leadership of key United Nations agencies constituting the Council.

Over time, UNCED would give way to a more permanent arrangement. The potential programme formulation/implementation gap in the post-UNCED area could be resolved through the creation of a rapid implementation mechanism, giving priority to the output of existing regional, national and community programmes (like the Latin American Action Plan of Environment Ministers of Latin America and the Caribbean).

172. Singapore emphasized the need for a mechanism, both at the intergovernmental and secretariat level, to review and evaluate the implementation of Agenda 21. Sweden suggested that an immediate and effective follow-up of UNCED had to be ensured, drawing on the experience from the UNCED preparatory process.

173. The United States considered that a number of existing intergovernmental committees addressing closely related matters could be incorporated into the process of monitoring and reviewing the implementation of UNCED's results. In keeping with the guidelines mentioned earlier, no new intergovernmental bodies or processes should be set up, except by combining - or transferring resources from - existing bodies or processes judged to be of lower priority or lesser effectiveness.

174. At the regional preparatory conference in Bergen in May 1990, Ministers agreed that there was a need to review the results of the Bergen Conference as well as of the 1992 Conference, at a high-level meeting of countries in the ECE region, to be convened in full cooperation with the ECE and with non-governmental organizations.

## IV. RELATIONSHIP OF THE UNITED NATIONS SYSTEM WITH OTHER INSTITUTIONS IN THE FIELD OF ENVIRONMENT AND DEVELOPMENT

175. Australia considered it important to facilitate the wider involvement of non-governmental sectors including industry, environmental, development and other community groups. The lead policy role of the General Assembly's Second Committee in the integration of environment and development objectives would benefit from substantive contributions on the implementation of Agenda 21 and its future evolution by inputs from the non-governmental sectors, particularly those of a scientific character.

176. Austria and Mexico also stressed the importance of inputs from non-governmental organizations.

177. Canada expressed the hope that the UNCED experience would lead multilateral organizations including United Nations organizations to draw increasingly on the expertise of groups outside Governments. It would be useful for the Preparatory Committee to consider at a later stage more routine ways for cooperation with NGOs including mechanisms for effective cooperation between the United Nations system, other multilateral organizations and NGOs on matters related to environment and development. Possible approaches included encouragement to other negotiating fora and to United Nations specialized agencies to develop consultative processes and regularized mechanisms for non-governmental input; the broadening of CONGO membership and changes in criteria for membership; use of hybrid government/non-government fora, as discussed above; and the use of permanent or ad hoc advisory bodies of eminent environmental scientists. Networks of institutions, expert meetings, and periodic high-level meetings could provide non-institutionalized vehicles for furthering the momentum generated by UNCED. Representatives had considerable freedom to express their experienced, expert views through such fora and were able to carry the "consensus of judgements" to their own institutions for consideration and individual action. The key challenge of such approaches was to maintain links with United Nations and other multilateral agencies in order to be relevant in decision-making and ensure commitment to follow-up action, while at the same time maintaining sufficient independence to prevent the mechanism from becoming mired in bureaucracy.

178. Kenya wanted a mechanism for increased participation by non-governmental organizations, industries and corporations to be established within UNEP.

179. Malaysia did not want a non-intergovernmental mechanism as well as one that ignored democratic principles or was dominated by interest groups. Malaysia as a developing country was not prepared at this stage to rely on a non-governmental mechanism, however attractive it might appear at this juncture. This idea needed crystallization and acceptance.

180. The Netherlands, in its national report, highlighted the need at the international level to improve the structure and the effectiveness of scientific cooperation. New approaches, for example the creation of a World Environmental Academy, should be supported.

181. In Norway's view, mechanisms and procedures should be established which would facilitate and strengthen the participation of constituencies outside government, in particular industry, trade unions, the scientific community, various voluntary environmental and developmental organizations, indigenous, women and youth organizations in the work of the United Nations in general and in the follow-up and implementation from the 1992 Conference in particular.

182. Peru submitted detailed proposals for the participation of transnational corporations, which have been circulated as document A/CONF.151/PC/81. The Philippines also supported the participation of transnational corporations, while Mali expressed its reservations on this point.

183. Tanzania supported a close and effective relationship between non-governmental actors and the United Nations system at the deliberative and operative level.

184. The United States pointed out that equally important to the success of the overall scheme for institutional enhancements and improvements was the inclusion of the non-governmental, scientific and private sectors in the process in appropriate ways. This could be achieved by inviting and permitting representatives of these organizations to contribute to the deliberations of the comprehensive committee on environment and development, and perhaps the annual joint UNDP-UNEP session on environment and development as well. It might also be possible eventually to include them in some fashion in the United Nations interagency coordinating mechanism's process. Currently, UNEP invited rather broad NGO observation/participation in its Governing Council proceedings, and the International Council of Scientific Unions (ICSU) had active working relationships with UNESCO and WMO, while business and industrial groups had had and were now reactivating ties to UNIDO. These circumstances and arrangements, and others like them, should be further explored for possible use in helping to bring about involvement by these groups in the overall process.

185. Commenting on the proposal by Peru (A/CONF.151/PC/81), the non-governmental Consortium for Action to Protect the Earth (CAPE 92) suggested to involve NGOs as well as transnational corporations, and generally called for public participation to be guaranteed in planning and decision-making activities within the United Nations system. The non-governmental Netherlands National Committee for IUCN submitted detailed proposals on the role of NGOs at the national and international level.

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